

---

## Senate Committee on Comprehensive Planning, Local and Military Affairs

### **SB 86 — Residential Swimming Pools**

by Senators Sullivan and Klein

The bill creates chapter 515 of the Florida Statutes.

The bill creates the “Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act”, requiring all new residential swimming pools to be equipped with at least one of four pool safety features; a pool barrier; an exit alarm on doors with pool access; an approved safety cover; or self-closing or self-latching doors providing access to the pool.

In order to pass a building inspection and receive a certificate of completion from the local building official, the pool must comply with the safety requirements of the bill. The bill creates a second degree misdemeanor for violating the terms of the bill.

The Department of Health is required to develop or adopt a nationally recognized drowning prevention education program and develop or adopt and make available to the public a drowning prevention pamphlet.

Certain public pools, “kiddie pools”, drainage and agricultural ponds and canals are exempt from the law.

If approved by the Governor, these provisions take effect October 1, 2000.

*Vote: Senate 39-0; House 109-8*

### **HB 219 — Florida Building Code**

by Rep. Constantine and others (CS/CS/SB’s 4 and 380 by Banking and Insurance Committee; Comprehensive Planning, Local and Military Affairs Committee; and Senators Clary, Diaz-Balart, Campbell, Lee, McKay, Casas and Sullivan)

The bill recognizes the Florida Building Code adopted, by rule, by the Florida Building Commission, delays the effective date of the code to July 1, 2001, and implements the following provisions recommended by the Florida Building Commission:

- with limited exceptions, delegates to local governments the enforcement of state agency construction regulations, which are now to be included in the Florida Building Code;
- transfers the threshold inspector certification program to the Board of Architecture and the Board of Professional Engineers and revises provisions of the threshold inspector statute;
- revises the Manufactured Buildings statute to expand requirements for certification of manufacturers, authorizes recertification of buildings, and clarifies the authority of the department to delegate plans review as well as inspections; and
- clarifies the commission's authority to interpret and amend the Florida Building Code and hear appeals of local interpretations.

The bill directs the commission to adopt the wind protection requirements of the American Society of Civil Engineers, Standard 7, 1998 edition, as modified by the commission on 2/15/2000. However, land one mile from the coast from the eastern border of Franklin County to the Florida-Alabama line is not subject to these requirements. The bill also limits the application of the "exposure category C" classification for new buildings, thereby lowering construction standards for buildings situated in areas with few natural or manmade wind barriers.

The bill directs the commission to recommend a statewide product approval system to the Legislature by February, 2001.

The bill directs the Department of Community Affairs to undertake a demonstration project to show costs associated with implementation of the new Florida Building Code.

The bill requires rate filings for residential property to include "actuarially reasonable" discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. These rate filings must be made by 6/1/02.

The bill creates a new section of law to provide an alternative procedure for construction and installation of factory-built school buildings, with regulation and certification through the Department of Community Affairs.

If approved by the Governor, these provisions take effect upon becoming a law.

*Vote: Senate 40-0; House 119-0.*

**CS/SB 290 — Ad Valorem Taxation**

by Fiscal Resource Committee, Senators Sullivan and Casas

This bill amends s. 196.011, F.S., postponing by one year, a requirement that an applicant for homestead tax exemption must provide his or her social security number as a condition of receiving the exemption. The bill also postpones a provision which requires county property appraisers submit social security numbers from homestead exemption applications to the Department of Revenue, making it apply to the 2001 tax year and thereafter.

This bill creates s. 193.016, F.S., to require the property appraiser to consider the reduced values determined by the value adjustment board in the previous year for tangible personal property, if the property appraiser did not successfully appeal the adjustment. If the property appraiser raises those values for the same tangible personal property, he or she must assert additional basic and underlying facts not properly considered by the board.

This bill amends s. 194.013, F.S., deleting the refund of filing fees which must be paid when a taxpayer successfully appeals an assessment to the value adjustment board.

This bill also amends s. 196.198, F.S., to maintain a property tax exemption for property leased from a governmental agency if the agency continues to use the property, pursuant to a sublease or other contractual agreement with the lessee, exclusively for educational purposes.

If approved by the Governor, these provisions take effect January 1, 2001.

*Vote: Senate 37-0; House 116-0*

**CS/SB 430 — Emergency Management**

by Comprehensive Planning, Local and Military Affairs Committee and Senator Carlton

This bill increases the number of hurricane shelter spaces in areas most susceptible to the damaging effects of hurricanes. Ch. 215, 235, 240, and 252, F.S., are amended to:

- prioritize state funds for shelter retrofitting;
- expand the role and responsibilities of the public schools, universities, local governments, the Department of Management Services, and private entities in providing facilities to be used as hurricane shelters;
- require the Department of Community Affairs to adopt a regional, rather than county, approach to sheltering; and
- extend a liability waiver to private property owners that provide, for limited compensation, their property for use as emergency shelters.

These provisions are the substance of CS/SB 198, which included the committee's recommendations for addressing the state's deficit or safe hurricane shelter space.

This bill also provides for the continuation of health care services to persons requiring special needs assistance during an emergency or disaster. Chapters 252, 381, 400, 401, 408, and 455 are amended to:

- require the Department of Health to establish a system to recruit and coordinate, through county health departments, health care practitioners for staffing of special needs shelters, and to compile registries of emergency medical technicians, paramedics and various health care practitioners for disasters and emergencies;
- require home health agencies, nurse registries, and hospices to prepare and maintain a comprehensive emergency management plan;
- require state agencies that contract with providers giving care to disabled persons to include emergency and disaster planning provisions in such contracts; and
- appropriate funds to implement some of these provisions.

If approved by the Governor, these provisions take effect October 1, 2000.

*Vote: Senate 39-0; House 118-0.*

### **HB 509 — Local Option Tourist Taxes**

by Rep. Ogles (CS/SB 1078 by Fiscal Resource Committee and Senator Carlton)

This bill addresses a variety of local tax issues.

The bill amends s. 120.80(14), F.S., to award reasonable attorneys fees in cases where the court finds that the Department of Revenue improperly rejected or modified a conclusion of law.

This bill amends ss. 125.0104 and 212.0305, F.S., to allow counties that chose to assume responsibility for audit and enforcement of their local option tourist development tax, area of critical state concern tourist impact tax, or convention development tax, to use certified public accountants to perform these tasks. In addition, the bill authorizes the Department of Revenue to share information with certified public accountants for participants in the Registration Information Sharing and Exchange Program (R.I.S.E.).

The bill amends s. 125.0104(6), F.S., to clarify that the Tourist Development Tax can not be repealed until such time that outstanding bonds are satisfied. Subsection (7) is amended to establish an additional condition resulting in the automatic expiration of the county ordinance levying a tourist development tax when such tax proceeds are used to operate or maintain publicly owned facilities.

The bill creates a new section in ch. 192 called the Florida Taxpayer's Bill of Rights, which compiles taxpayers' rights with respect to taxes on real and personal property, as found in the Florida Statutes and rules of the Department of Revenue.

The bill amends s. 197.182, F.S., to require that an ad valorem tax assessment paid by a taxpayer in error because of an error in the tax notice must be refunded by the tax collector or applied to taxes actually due.

The bill amends s. 199.185, F.S. to provide an exemption to the intangibles tax on governmental leaseholds where the lessee is required to furnish space on the leasehold estate for public use by governmental agencies at no charge to the governmental agency.

The bill amends s. 212.055(4), F.S., to rename the Indigent Care Surtax as the Indigent Care and Trauma Center Surtax. In those counties levying the tax, the Clerk of Court is required to annually send \$6.5 million to a hospital in the county with a Level I Trauma Center. If the county enacts a hospital lien law in accordance with ch. 1998-499, L.O.F., the clerk must, instead, send \$3.5 million to the hospital.

The bill amends s. 212.055(5), F.S., to require Miami-Dade County, as a condition of levying the half-cent County Public Hospital Surtax, to reallocate 25% of the funds which the county must budget for the operation, maintenance, and administration of the county public general hospital (Jackson Memorial Hospital) to a separate governing board, agency, or authority to be used solely for the purpose of funding the plan for indigent health care services. However, in the first year of the plan, a total of \$10 million shall be remitted to such governing board and \$15 million in the second year of the plan. The bill provides for the creation of the governing board, and for the adoption of a health care plan to distribute the funds and specify the types of services to be provided. This provision expires on October 1, 2005.

The bill creates s. 212.055(7), F.S., to establish a new "Voter-Approved Indigent Care Surtax." Counties with less than 800,000 residents may impose the surtax, with referendum approval. The bill establishes ballot language and requires the county to develop a plan, by ordinance, for providing health care services to qualified residents, as defined in this section. Tax proceeds must be used to fund health care services for indigent and medically poor persons, including, but not limited to, primary care, preventive care, and hospital care. The bill caps local option sales surtaxes to a combined total of 1 percent unless a publicly supported medical school is located in the county, then the combined surtaxes shall be capped at 1.5 percent.

The bill amends s. 213.21(2) & (3), F.S., providing circumstances for when doubt as to liability of a taxpayer for tax and interest exists. A taxpayer who establishes reasonable reliance on the written determination issued by the Department of Revenue to the

taxpayer will be deemed to have shown reasonable cause for noncompliance. The amendments to s. 213.21(2) and (3), F.S., made by the bill shall apply only to notices of intent to conduct an audit issued on or after October 1, 2000.

The bill authorizes the School Board of Sarasota County to levy up to 1.0 additional mill of discretionary school millage for one year only, by referendum, for the purpose of implementing the transition to charter school district status. Such funds generated by the additional millage shall not become part of the calculation of the F.E.F.P. total potential funds in 2000-2001.

If approved by the Governor, these provisions take effect upon becoming law.  
*Senate 35-3; House 116-0*

**SB 1220 — Commission on Homeless**

by Senators McKay and Holzendorf

The bill creates a 24-member Commission on the Homeless whose purpose is to review the problems of the homeless and propose solutions for reducing homelessness to the Governor, President of the Senate and Speaker of the House by January 1, 2001.

Membership of the Commission includes eight members appointed by the Governor, five members appointed by the President of the Senate and five members appointed by the Speaker of the House of Representatives. The secretaries of the departments of Health, Children and Family Services, Community Affairs and the executive directors of the Department of Veterans' Affairs and the Housing Finance Corporation shall serve as voting members of the commission.

The commission is charged with investigating the causes of homelessness, the services currently provided to the homeless and ways in which current government programs could be better adapted to serve the needs of the homeless. The commission must hold at least four public hearings throughout the state to solicit public input.

The bill appropriates \$250,000 to fund the operation and administration of the Commission on the Homeless.

If approved by the Governor, these provisions take effect upon becoming law.  
*Vote: Senate 36-0; House 118-0*

**CS/HB 1439 — Spring Training Franchise Facilities**

by Tourism Committee, Rep. Sembler and others (CS/CS/SB 1708 by Fiscal Policy Committee; Comprehensive Planning, Local and Military Affairs Committee; and Senators Latvala, Laurent, Myers, Kurth, Sullivan, and Carlton)

The bill amends ss. 212.20 and 288.1162, F.S., to provide for the distribution of sales tax proceeds to applicants which qualify as a “facility for a retained spring training franchise.” An approved applicant can receive \$41,667 monthly for 30 years (\$15 million). Criteria are specified for the Office of Tourism, Trade and Economic Development for selecting a limited number of facilities for a retained spring training franchise.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate: 40-0; House 113-0*

